

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Farmers Insurance Exchange, as Subrogee §  
of Dustin Cornelius, §

Plaintiff, §

VS. §

CIVIL ACTION NO. H-05-3445

Wal-Mart Stores, Inc., §

Defendant. §

**MEMORANDUM AND ORDER**

Pending before the Court is Defendant's motion to designate a responsible third party. That motion, Docket No. 6, is hereby **DENIED WITHOUT PREJUDICE TO REFILING**. If Defendant wishes to refile the motion, it should confer with Plaintiff as to whether Plaintiff opposes the motion, and should include with the motion a certificate of conference.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 15th day of November, 2005.



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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.